



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Gooding Residence

Proposal Address: 445 154th Ave SE

Proposal Description: The applicant requests a Critical Areas Land Use Permit to construct a 183 square foot addition to an existing single-family residence within a Category II wetland structure setback. The proposal is supported by a Critical Areas Report.

File Number: 18-124514-LO


Applicant: Ross Gooding

Decisions Included Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: Veronica Guenther, Assistant Planner

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: 
Elizabeth Stead, Land Use Director

Application Date: September 12, 2018
Notice of Application Date: October 4, 2018
Decision Publication Date: January 24, 2019
Project Appeal Deadline: February 7, 2019

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Critical Areas Land Use Permit decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Attachments

1. Site and Mitigation Plans – Enclosed
2. Critical Areas Report – In File
3. Application Forms, Materials – In File

I. Proposal Description

The applicant is requesting approval of a Critical Areas Land Use Permit to encroach into a Category II wetland structure setback. The proposal consists of a 183 square foot addition in the place of an existing impervious patio and second-story deck attached to an existing single family residence, which currently encroaches into the structure setback. Additionally, the proposal includes removing a 144 square foot pervious deck from the wetland buffer and replacing it with a landscaped area. See Figure 1 below.

The 8,750 square foot lot is located east of the City owned Lake Hills Greenbelt. A Category II wetland spreads across a majority of the Greenbelt and requires a 110-foot standard wetland buffer and 20-ft structure setback. The existing single-family residence on the site currently encroaches into the wetland structure setback, with the closest point located approximately 125 feet from the wetland edge. With the proposed addition, the residence would be approximately 15 feet closer to the wetland edge.

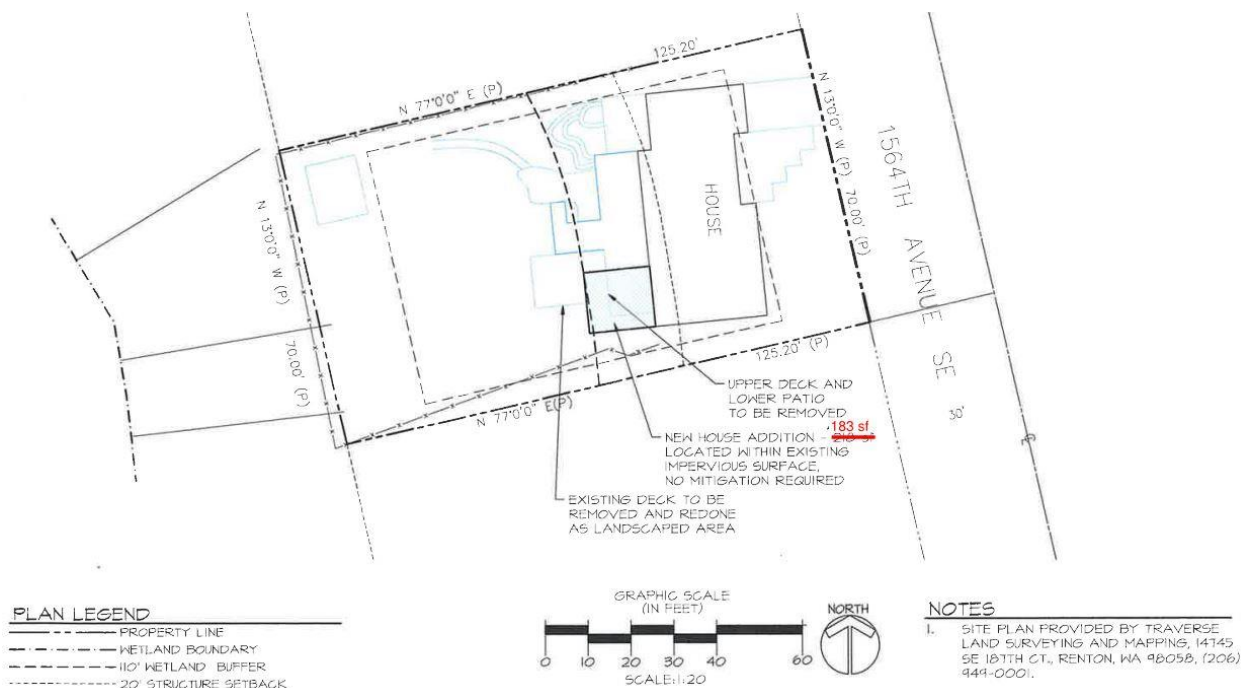


Figure 1

A Critical Areas Land Use Permit (CALUP) with a Critical Areas Report is required to modify a wetland structure setback. The Critical Areas Report is intended to provide flexibility to sites with degraded critical functions and values. The Critical Areas Report shall demonstrate the proposed with the requested modification leads to equivalent or better functions and values than what would result from standard application of the Critical Areas Overlay requirements of the Land Use Code.

II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The 8,750 square foot site is located at 445 154th Ave SE in the Southeast Bellevue subarea. The site is located east of the Lake Hills Greenbelt and within the Kelsey Creek basin. The

property is accessed from the northeast via a driveway off 154th Ave SE which connects to Lake Hills Boulevard. The property is currently developed with a single-family residence, detached shed, and paved driveway. The site slopes gently to the southwest, towards the Greenbelt.

A Category II wetland (Wetland A) is located 50ft west of the property boundary, part of the larger Kelsey Creek-fringe wetland throughout the Lake Hills Greenbelt. The wetland has a moderate habitat score and requires a 110 foot buffer per LUC 20.25H.035.A. This wetland buffer width is required for an “undeveloped” site, where the wetland and wetland buffer have not been previously recorded in a Native Growth Protection Area (NGPA) and Native Growth Protection Easement (NGPE), LUC 20.25H.095.C.1.a.i.

Vegetation within Wetland A consist of forested, scrub-shrub and emergent components. Plant species include young black cottonwood (*Populus trichocarpa*), willow (*Salix* sp.), spirea (*Spiraea douglasii*), and a variety of native plantings associated with the City of Bellevue’s recent restoration enhancement plan. Mowed reed canarygrass (*Phalaris arundunacea*), which is considered a noxious weed and major threat to natural wetlands, was also observed indicating periodic maintenance is being conducted to support the native restoration plantings. The on-site wetland buffer area is actively maintained as lawn.

B. Zoning

The property is zoned R-5, Single-Family Residential. The private parcels in the vicinity are also zoned R-5, and most are currently developed with single family residences.

C. Land Use Context

The property has a Comprehensive Plan Land Use Designation of SF-H, Single-Family High Density. Single family residences are consistent with the SF-H designation.

Figure 2



D. Critical Areas Functions and Values

i. Wetlands

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue’s wetlands provides various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin. See description of on-site wetland above.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is zoned R-5 and the zoning dimensional requirements in LUC 20.20.010 apply to the proposed addition. The plans submitted generally demonstrate conformance with the R-5 zoning dimensional standards. A building permit will be required and full compliance with zoning standards will be verified during building permit review. **See Conditions of Approval in Section X of this report.**

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. There is a Category II critical area buffer and structure setback on the subject site.

i. Consistency with LUC 20.25H.100 – Wetland Performance Standards

Development on sites with a wetland or wetland critical area buffer shall incorporate the following performance standards in design of the development, as applicable

1. Lights shall be directed away from the wetland

The front of the house currently faces east, away from the wetland. Therefore, any lights associated with the driveway, garage, or front door of the residence will be directed away from the wetlands. Lighting at the rear of the residence would be over 100 feet from the wetland. **See Conditions of Approval in Section X of this report.**

2. Activity that generates noise such as parking lots, generators, and residential uses, shall be located away from the wetland, or any noise shall be minimized through use of design and insulation techniques.

The driveway, garage, and front door of the residence are all situated on the east side of the residence. Therefore, the majority of noise-generating activities will continue to occur on the east side of the residence, which faces away from the wetland.

4. Toxic runoff from new impervious area shall be routed away from the wetlands.

There will be no increase in the amount of impervious surface. Runoff from new impervious surfaces associated with the project would discharge into the stormwater system. The stormwater system will be required to meet design requirements for flow control and water quality, per the City stormwater manual.

5. Treated water may be allowed to enter the wetland critical area buffer.

Water from new impervious surfaces would not enter the wetland buffer, but rather would be directly discharged into a stormwater system that meets water quality requirements of the City stormwater manual.

6. The outer edge of the wetland critical area buffer shall be planted with dense vegetation to limit pet or human use.

The on-site wetland buffer has been consistently maintained as lawn. A site visit indicated that a planting area would be better located at the back-property line rather than at the edge of the buffer in order to be contiguous with the adjacent wetland buffer restoration area. Thus, a 10-ft native species planting area will be located at the back-property line and consist of Red-osier dogwood (*Cornus sericea*), Pacific ninebark (*Physocarpus capitatus*), Lady fern (*Athyrium filix-femina*), Yellow marsh-marigold (*Caltha palustris*) and Stream violet (*Viola glabella*). The planting area will also consist of an existing Holly, Maple and Lilac tree. The plant selection and planting density is consistent with the City's *Critical Areas Handbook* planting template for wetlands. The mitigation/restoration planting plan shall be included with the building permit application. **See Conditions of Approval in Section X of this report.**

7. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices", now or as hereafter amended.

The use of pesticides, insecticides, or fertilizers within the wetland buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices." **See Conditions of Approval in Section X of this report.**

ii. Consistency with LUC 20.25H.110 – Critical areas report – Additional provisions

A. Limitation on Modification

A critical areas report may not be used to fill a wetland critical area, except where filling is required to allow a use set forth in LUC 20.25H.055.

Finding: No wetland fill is proposed with the project.

B. Additional Content

In addition to the general requirements of LUC 20.25H.230, a critical areas report for wetlands shall include a written assessment and accompanying maps of the wetland and buffers within 300 feet of the project area, including the following information at a minimum:

1. **A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands and restore any wetland that were degraded prior to the current proposed land use activity.**

The proposal avoids and minimizes impacts by locating the single family residence addition in the place of an existing impervious patio and second-story deck. Additionally, the proposal includes removing a 144 square foot pervious deck from the wetland buffer and replacing it with a landscaped area. The proposal includes a mitigation/restoration plan to enhance the on-site degraded wetland buffer area with native plant species.

2. **A habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and wetland functions.**

The proposal has been designed to conserve existing native trees within the wetland buffer. The proposal includes a mitigation/restoration plan to enhance the degraded wetland buffer area with native plant species, which would improve on-site habitat and wetland functions. **See Conditions of Approval in Section X of this report.**

3. **Functional evaluation for the wetland and adjacent buffer using a local or state agency staff-recognized method and including reference of the method and all data sheets.**

The wetland was rated for functions using the Washington Department of Ecology's *Washington State Wetland Rating System for Western Washington* (Hruby 2014). The wetland rating form and wetland determination data forms (U.S. Army Corps of Engineers) are included in the Critical Areas Report, Attachment 2, (Altmann Oliver Associates, LLC., June 20, 2018).

IV. Public Notice and Comment

Application Date:	September 12, 2018
Public Notice (500 feet):	October 4, 2018
Minimum Comment Period:	October 18, 2018

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin and Seattle Times on October 4, 2018. It was mailed to property owners within 500 feet of the project site. No comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff approved the application.

VI. State Environmental Policy Act (SEPA)

The proposal is exempt from SEPA review, per WAC 197-11-800 and BCC 22.02.032. Construction of a single family residence addition is a categorical exemption.

VII. Changes to Proposal Due to Staff Review

In response to the October 23, 2018 revision letter, the applicant created a mitigation/restoration plan to enhance the wetland buffer along the back-property line with a 10-ft native species planting area.

VIII. Decision Criteria

A. Consistency with LUC 20.25H.255 – Critical areas report – Decision criteria

General.

Except for the proposals described in subsection B of this section, the Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

- 1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;**

Finding: The proposal consists of a 183 square foot addition in the place of an existing impervious patio and second-story deck attached to the existing single-family residence, which currently encroaches into the structure setback. Additionally, the proposal includes removing a 144 square foot pervious deck from the wetland buffer and replacing it with a landscaped area. This means the proposal will result in a net reduction to impervious surface on-site. Reduction of impervious surface area would increase surface water infiltration within the wetland buffer improving hydrologic and water quality functions. The proposal also includes a mitigation/restoration plan to enhance the on-site wetland buffer area by planting 700 square feet with native plants, thereby improving wildlife habitat functions adjacent to the wetland.

- 2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;**

Finding: The proposed mitigation planting is required to be monitored for five (5) years. A maintenance surety is required prior to issuance of a building permit for an amount equal 20% of the estimated cost of planting, maintenance and monitoring for five years. A cost estimate for the maintenance surety is required to be submitted with the building permit. **See Conditions of Approval in Section X of this report.**

- 3. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and**

Finding: The proposed modifications would not be detrimental to the functions and values of critical areas and buffers off-site. The wetland is part of the larger Kelsey Creek-fringe wetland throughout the Lake Hills Greenbelt. The proposal would enhance the on-site wetland buffer area with native plant species, which would improve functions and values of the off-site wetland.

- 4. The resulting development is compatible with other uses and development in**

the same land use district.

Finding: The subject site is zoned for and surrounded by single family development. The proposed single family addition would be compatible with other single family uses and development in the same land use district.

B. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

1. The proposal obtains all other permits required by the Land Use Code;

The applicant must obtain a building permit and any associated permits. **See Conditions of Approval in Section X of this report.**

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

The proposal would site the new addition in the same footprint as an existing deck and patio; thereby locating the development in a site area that has already been disturbed. This minimizes the impacts to existing vegetation within the wetland buffer and structure setback. The proposal would result in a net reduction of 144 SF of impervious surface area within the wetland buffer; improving hydrologic and water quality functions in the wetland buffer. The proposed mitigation/restoration plan would enhance the on-site wetland buffer area along the back-property line (700 SF of enhancement); thereby improving wildlife habitat functions adjacent to the wetland.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

The performance standards related to wetlands are being met by this proposal as described in Section III above.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

The proposed activity will be served by adequate public facilities.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

The proposed mitigation/restoration planting of the wetland buffer area is consistent with the City's wetland buffer planting template in the *Critical Areas Handbook*. A final mitigation/restoration planting plan shall be included with the building permit and shall include performance standards to monitor the success of the mitigation planting. **See Conditions of Approval in Section X of this report.**

6. The proposal complies with other applicable requirements of this code.

As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposed work. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC Title 20	Veronica Guenther, 425-452-2044
Noise Control- BCC 9.18	Veronica Guenther, 425-452-2044

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a building permit or other required permits must be submitted and approved. Plans submitted shall be consistent with the site plan and activity permitted under this approval.

Authority: Land Use Code 20.30P.140
Reviewer: Veronica Guenther, Development Services Department

- 2. Lighting:** Lighting at the rear and sides of the residence shall be limited to that necessary to provide adequate access and security and light fixtures shall be shielded to prevent light from reaching the areas of on-site wetlands. Lighting tear sheets or photos of fixtures must be submitted to Development Services with the building permit application for preliminary approval and shall be confirmed by inspection in the field after installation.

Authority: Land Use Code 20.25H.100
Reviewer: Veronica Guenther, Development Services Department

- 3. Final Mitigation and Restoration Plan:** A final mitigation/restoration planting plan for enhancement of the on-site wetland buffer area is required to be submitted with the Building Permit submittal, consistent with the Mitigation Plan in the Critical Areas Report (Attachment 1). The plan shall show planting locations, plant species, quantity and size of plant material. The final mitigation plan shall also include performance standards to measure the successful establishment of the mitigation plantings. The following performance standards are required:

Year 1 (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- 10% coverage of invasive plants in planting area

Year 2 (from date of plant installation)

- At least 90% survival of all installed material
- Less than 10% coverage of planting area by invasive species or non-native/ornamental vegetation

Year 3, 4, & 5 (from date of plant installation)

- At least 85% survival of all installed material
- Less than 10% coverage by invasive species or non-native/ornamental vegetation

Authority: Land Use Code 20.25H.220

Reviewer: Veronica Guenther, Development Services Department

- 4. Maintenance and Monitoring Surety:** A financial surety is required to be submitted to ensure the mitigation planting successfully establishes. A maintenance assurance device that is equal to 20% of the cost of plants, installation, and monitoring is required to be held for a period of five years from the date of successful installation. A cost estimate is required to be provided with the building permit. The financial surety is required to be posted prior to building permit issuance. Release of the surety after the 5-year monitoring period is contingent upon a final inspection of the planting by Land Use Staff that finds the maintenance and monitoring plan was successful and meets performance standards.

Authority: Land Use Code 20.25H.220

Reviewer: Veronica Guenther, Development Services Department

- 5. Maintenance and Monitoring Reports:** The mitigation planting is required to be maintained and monitored for five years to ensure the plants successfully establish. Annual monitoring reports are required to be submitted to document the plants are meeting approved performance standards. Photos from selected photo points shall be included in the monitoring reports to document the planting. Land Use inspection is required by Land Use staff to end the plant monitoring period.

Reporting shall be submitted no later than the end of each growing season or by December 31st, and shall include a site plan and photos from photo points established at the time of Land Use inspection. Reports shall be submitted to Veronica Guenther or

Heidi Bedwell by the above listed date and can be emailed to vguenther@bellevuewa.gov or mailed directly to:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

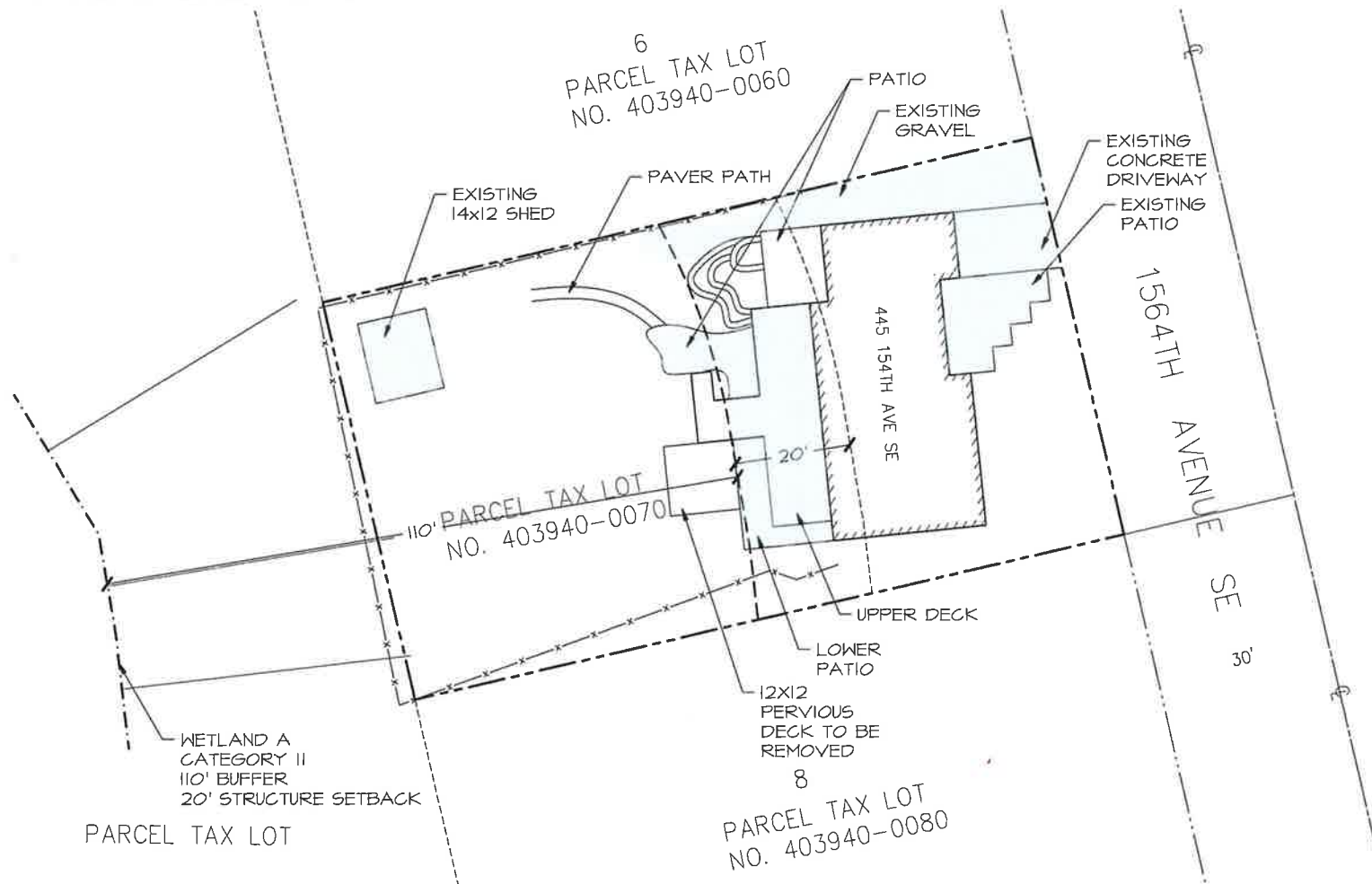
Authority: Land Use Code 20.30P.140; 20.25H.220
Reviewer: Veronica Guenther, Development Services Department

- 6. Environmental Best Management Practices:** The use of pesticides, insecticides, or fertilizers within the wetland buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices."

Authority: Land Use Code 20.25H.100
Reviewer: Veronica Guenther, Development Services Department

- 7. Land Use Inspection:** Following installation of the mitigation planting, the applicant shall contact Land Use staff to inspect the planting area prior to final building inspection. Plantings shall be installed consistent with the approved final mitigation plan.

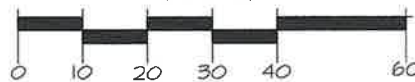
Authority: Land Use Code 20.30P.140
Reviewer: Veronica Guenther, Development Services Department



PLAN LEGEND

- PROPERTY LINE
- - - - - WETLAND BOUNDARY
- - - - - 110' WETLAND BUFFER
- - - - - 20' STRUCTURE SETBACK
- EXISTING IMPERVIOUS SURFACE

GRAPHIC SCALE
(IN FEET)



SCALE: 1:20



NOTES

1. SITE PLAN PROVIDED BY TRAVERSE LAND SURVEYING AND MAPPING, 14745 SE 187TH CT., RENTON, WA 98058, (206) 449-0001.

PLAN LEGEND

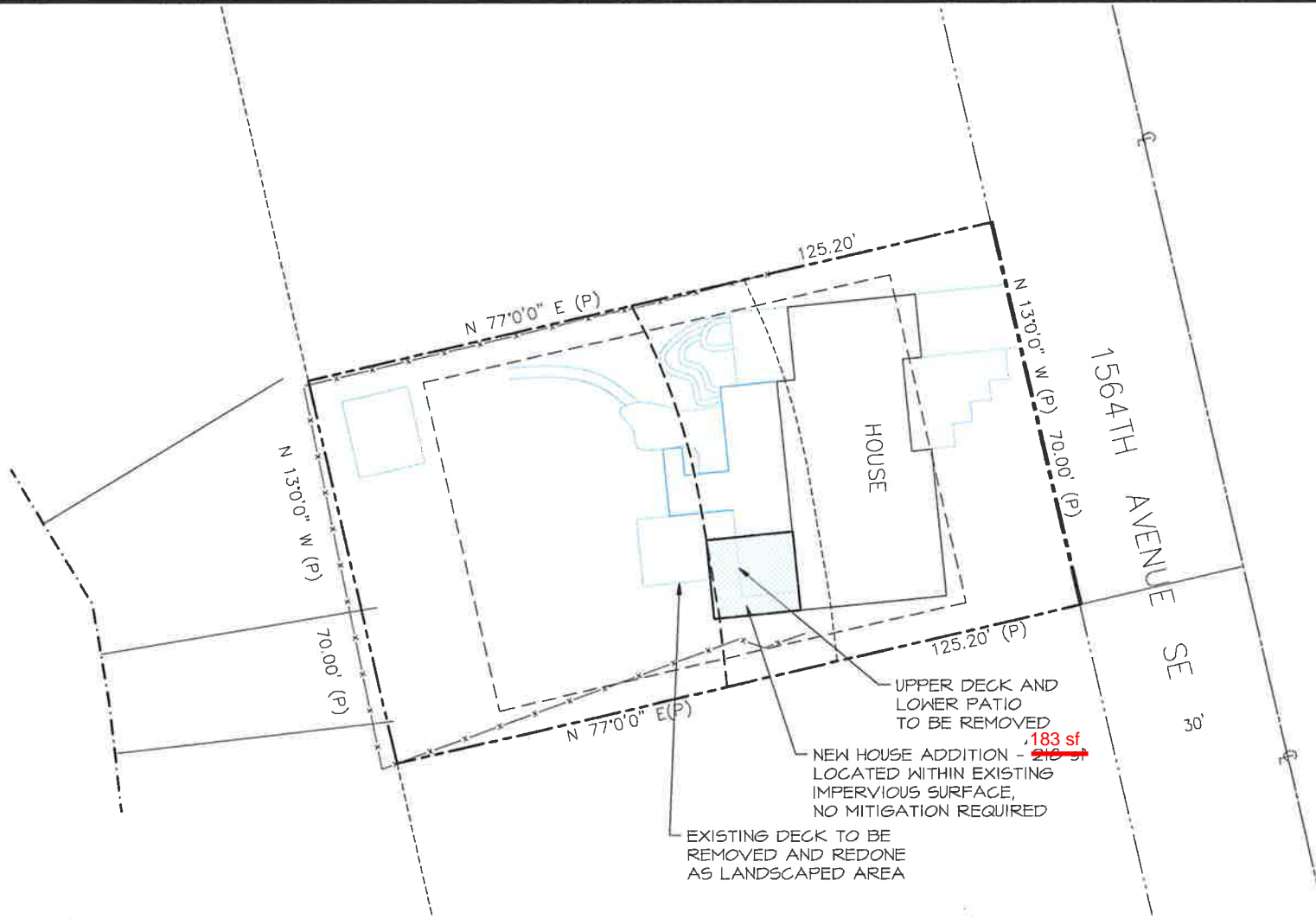
- PROPERTY LINE
- WETLAND BOUNDARY
- 110' WETLAND BUFFER
- 20' STRUCTURE SETBACK

GRAPHIC SCALE
(IN FEET)



NOTES

- SITE PLAN PROVIDED BY TRAVERSE LAND SURVEYING AND MAPPING, 14745 SE 18TH CT., RENTON, WA 98058, (206) 944-0001.



SITE EVALUATION WORKSHEET

This worksheet is designed to record site information. Using your **existing site plan** as a guide, record **site conditions** according to your observations and keep an account of all seasonal and daily changes that you have noticed.

STEP 1: Complete Table 1 below by checking the boxes that best describe the conditions on your site.

TABLE 1. SITE ASSESSMENT TABLE

HYDROLOGY	<input checked="" type="checkbox"/> Dry	<input type="checkbox"/> Wet	
LIGHT	<input type="checkbox"/> Sun	<input checked="" type="checkbox"/> Shade	
TOPOGRAPHY	<input checked="" type="checkbox"/> Flat	<input type="checkbox"/> Slope	<input type="checkbox"/> Steep Slope
ASPECT	<input type="checkbox"/> South-facing	<input type="checkbox"/> North-facing	
EXISTING VEGETATION	<input type="checkbox"/> None (bare ground)	<input type="checkbox"/> Lawn	<input type="checkbox"/> Ornamental/ formal landscape
	<input type="checkbox"/> Invasive weeds*	<input type="checkbox"/> Existing native plants	

* Refer to *Chapter 2: Existing Vegetation* for more information

STEP 2: Fill out the project information below.

Using the check boxes above, circle your **Site Conditions** and **Critical Area**. If you are restoring more than one site, use a separate worksheet for each site. Larger sites may need more than one **assessment**. You may select more than one condition and/or critical area type below.

Then, combine your answer in **Critical Area** and **Site Conditions** - this is your **Overall Site Assessment**. Now you know which planting template best fits your site! Refer to the Table of Templates on the reverse side of this worksheet.

Project Contact: Ross Croodling Phone number: 425 417-2065

Project Location: 445 154th Ave SE Bellevue WA

Permit Number (if any): _____ Date: _____

Critical Area Type (circle): Geological Hazard (Steep Slope) / Shoreline / Wetland and Wetland Buffer / Stream Buffer

Site Conditions (circle all that apply): Sun / Shade / Invasives on a wet site / Invasives on a dry site

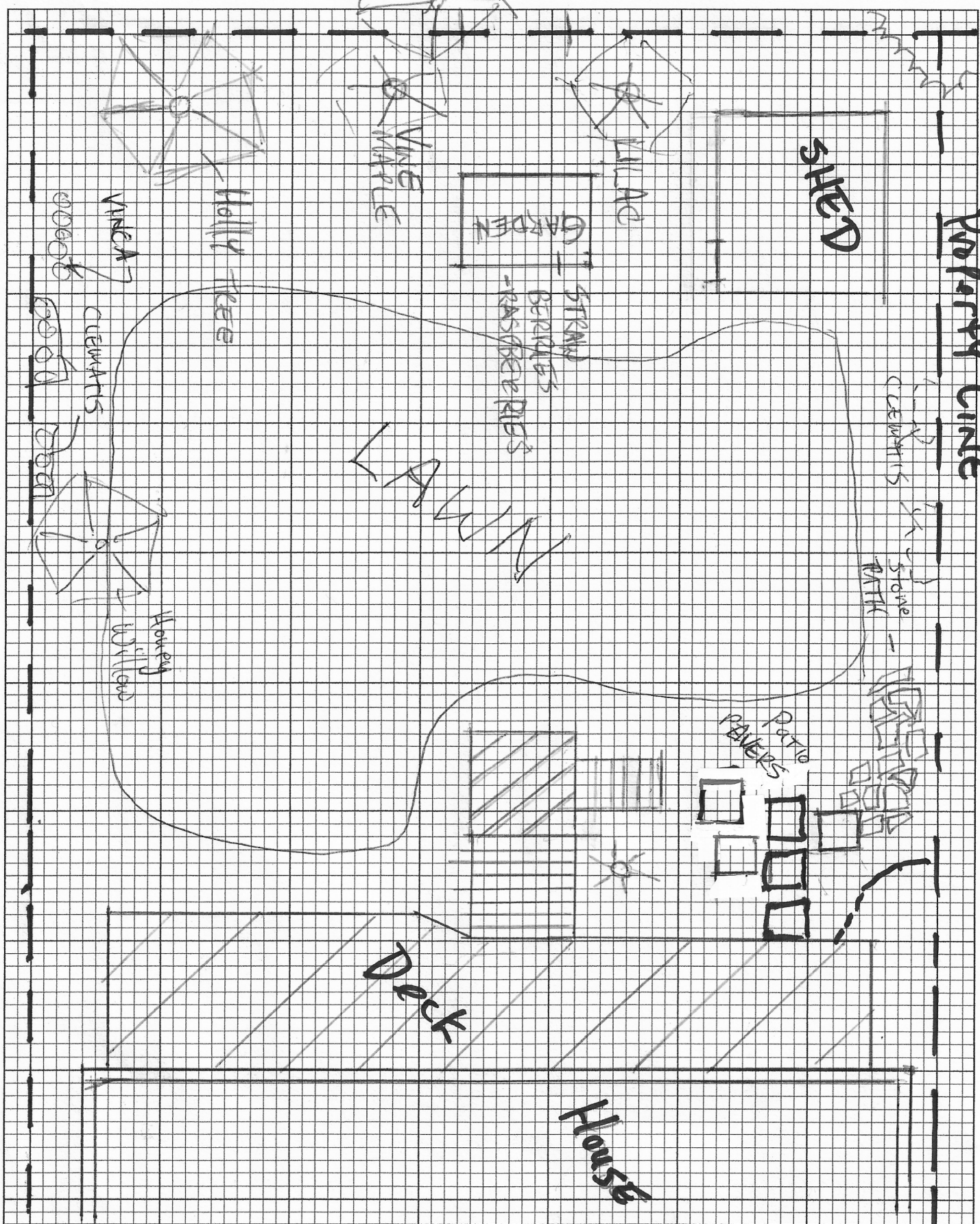
Overall Site Assessment: 09* + _____
(Critical Area Type) (Site Conditions)

EXISTING SITE PLAN WORKSHEET

West

Property Line

North



Notes:

SP-2

Scale: 10 Blocks = 10 feet

East

South

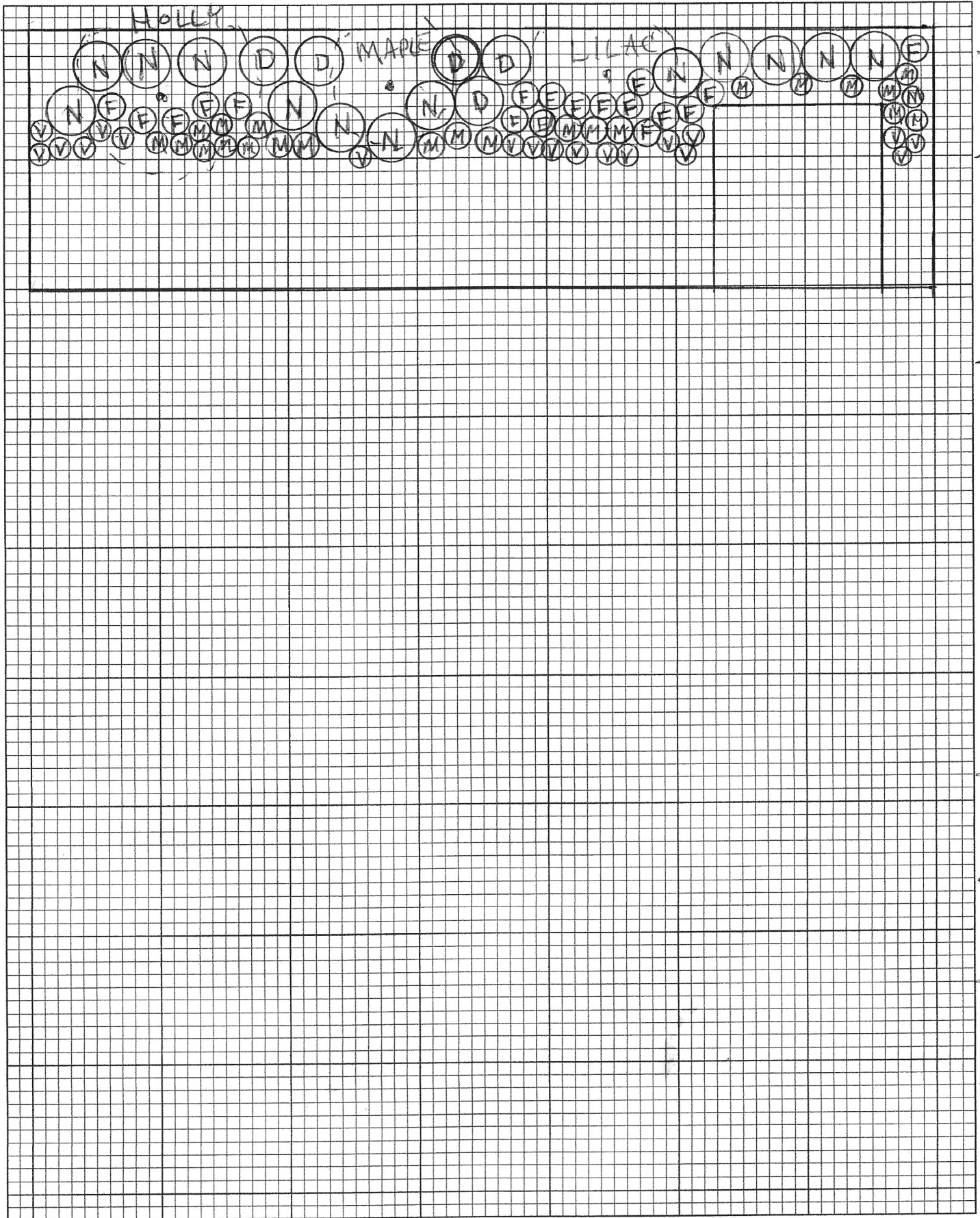
PLANT LEGEND & PLANTING PLAN WORKSHEET

How to draw your planting plan and legend:

- Step 1: Sketch your restoration area on the grid paper on the back of this page.
- Step 2: Determine which plants you are going to use. Use the template you have picked out as a guide and add your own from the *Master Plant List* in *Appendix C* if you feel comfortable.
- Step 3: Draw a simple symbol for each plant, such as a circle with a letter in the middle. Put each symbol in the legend table below. Write down the name of each plant.
- Step 4: Return to your new knowledge of mature plant size, spacing, density and cost. Use these criteria to help layout your plants.
- Step 5: Lay out the trees first. Make sure to give them enough space.
- Step 6: Now lay out the shrubs. Group them together in clusters according to species. Remember the school photo rule - Tall plants in the back, short plants in the front.
- Step 7: Now add in the groundcover and perennials. Use these to fill in around the trees and shrubs.
- Step 8: Count up the number of plants and put a total in the Qty. (Quantity) column for each plant species.

Symbol	Name	Size	Qty.
(D)	DOGWOOD	15 feet	5
(N)	Ninebark	11 feet	12
(F)	FERN	3 ft	18
(M)	MARIGOLD (YELLOW MARSH)	1.5 ft	24
(V)	stream VIOLET	8 inch	18

Symbol	Name	Size	Qty.



Notes: _____

Scale: 1 box = 1 foot